



**DUFFERIN**  
**COUNTY**

**PROCEDURAL BY-LAW**

**NUMBER 2015-24**

**ENACTED BY COUNTY COUNCIL**  
**ON**  
**JULY 9, 2015**

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# CORPORATION OF THE COUNTY OF DUFFERIN

## BY-LAW NUMBER 2015-24

### A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL AND ITS COMMITTEES AND TO REPEAL BY-LAW 2008-15 AS AMENDED.

WHEREAS the Municipal Act provides that a Council shall adopt a procedural by-law for governing the calling, place and proceedings of meetings.

#### 1. INTERPRETATION

In this By-law:

“Acting Warden” is the Member that acts from time to time in the place and stead of the Warden and shall be the Chair of the General Government Services Committee;

“Chair” means the person presiding at a meeting;

“Chief Administrative Officer” means the Chief Administrative Officer of the County of Dufferin;

"Chief Executive Officer" means the person elected to hold the position of Warden and who is a signing officer of the corporation and who interfaces between council, staff, community groups and other levels of government in accordance with the shared purposes of council;

“Clerk” means the Clerk of the County of Dufferin;

“Closed Session” means a meeting that is closed to the public in accordance with the *Municipal Act*;

“Committee” means a Standing Committee, Ad Hoc, Statutory or Special Committee of the Council;

“Committee Chair” means the Chair of a Committee;

“Confirmatory By-law” means a by-law passed for the purpose of giving general effect to a previous decision or proceedings of Council;

“Council” means the Council of the Corporation of the County of Dufferin;

“County” means Corporation of the County of Dufferin;

“deputation” means an address to Council or Committee at the request of a person wishing to speak;

“delivery” means circulation of the agenda package or addendum in electronic format.

“majority vote” in Council means an affirmative vote of more than one-half of the votes cast by those present, as determined pursuant to Section 4 (1) of the *County of Dufferin Act*, S.O. 1994, C.Pr13;

“majority vote” in Committee means an affirmative vote of more than one-half of the votes cast by those members present;

“meeting” means a meeting of the Council or a Committee;

“member” means a Member of Council or Committee;

"member who voted on the prevailing side" means:

1. Where the vote was not recorded, any member of Council that was present at the meeting;
2. Where a recorded vote was taken, a member of Council who voted on the side with the most votes

“motion to defer” means a motion to delay consideration of a matter until later in the same meeting or to a future meeting of Council or a Committee;

“motion to receive” means a motion to acknowledge the particular item, report or recommendation under consideration and to have it placed in the records of Council with no additional action being taken;

"motion to reconsider" means to review a previous decision and vote on it again;

“motion to refer” means that the said matter or item is referred to the body or person named in the motion specified to report back to the Council or Committee;

“motion to table” means a motion to postpone without setting a definite date as to when the matter will be considered again;

“Municipal Act” means the *Municipal Act 2001*, S.O. 2001, c 25 as amended;



"Newspaper" means a printed publication in sheet form, intended for general circulation, published regularly at intervals of not longer than a week, consisting in great part of news of current events of general interest;

"Notice of Motion" means a written motion received by the Clerk at a meeting of Council, moved by a Member for inclusion on an agenda of a subsequent meeting of Council;

"point of order" means a question by a Member with the view to calling attention to any issue relating to the Procedural By-law or the conduct of Council's business or in order to assist the Member in understanding Council's procedures, making an appropriate motion, or understanding the effect of a motion;

"point of privilege or personal privilege" means a question by a Member who believes that another Member has spoken disrespectfully towards that Member or another Member or who considers that his or her integrity or that of a Member or County Official has been impugned or questioned by a Member;

"presentation" means an address to Council or Committee at the request of Council, a Committee or staff;

"Public Question Period" means the time set aside at Council meetings for a member of the public to ask a question of Council;

"Published" means published in a newspaper that, in the opinion of the Clerk has such circulation within the municipality as to provide reasonable notice to those affected thereby and includes posting on the internet to the County website and social media accounts. "Publication" has a corresponding meaning.

"Quorum" means the minimum number of members required to be present at a meeting to carry on business;

"Recorded Vote" means a written record of the name and vote of every Member voting on any matter or question;

"Resolution" means the decision of Council on any motion;

"two-thirds majority vote" means an affirmative vote of more than two-thirds of the votes cast by those present, as determined pursuant to Section 4 (1) of the *County of Dufferin Act*, S.O. 1994, C.Pr13;

"Warden" means the Head of County Council.

## **2. APPLICATION**

- 2.1. The rules of procedure set out in this by-law shall govern all proceedings of Council and its Committees.
- 2.2. Roberts Rules of Order shall prevail where applicable in all matters not covered by this by-law. The Chair may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Chair shall announce his or her ruling.

## **3. INAUGURAL MEETING OF COUNCIL – ELECTION OF WARDEN AND SELECTION OF COMMITTEE CHAIRS AND COMMITTEE MEMBERS**

- 3.1. The inaugural meeting of Council after a regular election, shall be held after the councils of the area municipalities have held their first meeting but, in any event, at 9.00 in the morning on the second Thursday in December following the election or on such day prior to the third Tuesday in December following the election as determined by the Clerk.
- 3.2. The election of Warden shall be conducted by the Clerk at the inaugural meeting of Council in December following the regular municipal election. The term of office will be one year.
- 3.3. The Chief Administrative Officer shall act as Chair until the Warden is elected.
- 3.4. The Clerk shall call for nominations.
- 3.5. Each nomination shall be in writing and shall be signed by the nominator and a seconder to the nomination and shall have the written consent of the nominee.
- 3.6. Where it appears to the Clerk, by asking for further nominations and receiving no response, that there are no further nominations, the Clerk shall call for a motion declaring nominations closed.
- 3.7. After nominations have been closed, no motion shall be in order except a motion to recess for a specified time period.
- 3.8. After nominations have been closed each nominee shall, prior to the vote being taken, be permitted to speak to the nomination for not more than three (3) minutes.
- 3.9. The speakers shall be called upon to address Council in alphabetical order of the nominees' surnames.
- 3.10. A nominee may withdraw his or her name at any time prior to a vote being called.

- 3.11. If there are two or more nominees, the election of the Warden shall be by secret ballot as permitted by the *Municipal Act*, under the authority and direction of the Clerk. There is one vote per member.
- 3.12. To be elected as Warden, a nominee shall obtain the majority of the votes that are counted.  
A vote is determined by placing an “X” or other mark in the space provided.
- 3.13. Where there are three or more candidates, if on any given ballot no candidate receives a majority of the vote the name of the candidate with the lowest number of votes will be dropped off the next ballot and voting will continue using the second ballot.
- 3.14. In the case of a vote where no nominee receives the majority required for election and where two or more nominees are tied with the least number of votes, the Clerk or presiding officer shall place the names of the nominees with an equality of votes on equal size pieces of paper in a box and one name shall be drawn by a person named by the Clerk or presiding officer. The name of the nominee drawn shall be successful and continue in the election. The names of the nominee(s) remaining in the box shall be eliminated from the next secret ballot.
- 3.15. If only two nominees remain, and if on the next secret ballot the nominees are tied, the Clerk or presiding officer shall place the names of the two nominees with an equality of votes on equal size pieces of paper in a box and one name shall be drawn by a person named by the Clerk or presiding officer. The name of the nominee drawn shall be successful.
- 3.16. Where there are two or more nominees, the Clerk shall announce the result of the vote to the assembly.
- 3.17. The members of Council shall elect the Committee Chairs.
- 3.18. Where there are three or more candidates for Committee Chair:
  - a) Where no nominee receives a majority of the votes, the nominee receiving the fewest votes shall be deemed to have withdrawn his or her candidacy.
  - b) In the case of a vote where no nominee receives the majority required for election and where two or more nominees are tied with the least number of votes, the Clerk or presiding officer shall place the names of the nominees with an equality of votes on equal size pieces of paper in a box and one name shall be drawn by a person named by the Clerk or presiding officer. The name of the nominee drawn shall be successful and continue in the election.
- 3.19. The members of Council will complete forms indicating their preferences for sitting on the various standing committees. Committee members should be

decided by consensus of the Members of Council. If no consensus can be reached, then an election of committee members will be conducted.

#### **4. MEETINGS OF COUNCIL**

- 4.1. The regular meetings of Council shall be held at 7:00 p.m. on the second Thursday of each month at the Court House, 51 Zina Street in the Town of Orangeville or at a time, date and location determined by Council from time to time.
- 4.2. A special meeting may be called:
  - a) by the Warden at any time by providing direction to the Clerk to issue a Notice of Special Meeting; or
  - b) upon the receipt of a petition of the majority of Members, the Clerk shall call a Special Meeting for the purpose and at the time noted in the petition; or
  - c) by the Clerk in an emergency situation.
- 4.3. At Special Meetings of Council, the Council shall not decide upon any matter unless the matter has been specified in the Notice calling the meeting. This provision may be waived only where all Members are present to vote upon a motion to waive it.
- 4.4. When it is deemed to be advisable, the Warden is authorized to change the date and/or time of, or cancel a regular Council meeting. To effect the change, the agreement of the majority of the members of Council representing the majority of local municipalities, having been polled by the Clerk, at least 24 hours before the scheduled date of the meeting, shall be required.
- 4.5. In the event of inclement weather, the Warden will have authority to cancel a meeting of Council.
- 4.6. No meeting of Council or Committee shall go beyond 11:00 p.m. A majority vote is required to extend the meeting past 11:00 p.m.

#### **5. COUNCIL AGENDAS**

- 5.1. The Clerk shall prepare for distribution a Council Agenda with the routine order of business for regular meetings of Council to be as follows:
  - Approval of Agenda
  - Disclosure of Pecuniary Interest
  - Approval Minutes of the Previous Council Meeting
  - Presentations
  - Delegations

- Public Question Period
  - Committee Minutes
  - Staff Reports
  - Correspondence
  - Motions
  - Notice(s) of Motion
  - By-laws
  - Other Business
  - Consideration of Matters in Closed Session (if required)
  - Matters Arising from Closed Session (if required)
  - Confirming By-law
  - Adjournment
- 5.2. The Clerk shall cause to be delivered an Agenda with supporting documents to each Member of Council on or before the Friday preceding the regular meeting of Council.
- 5.3. After delivery of the Council Agenda, the Clerk may for time-sensitive material, prepare an Addendum to the Agenda.
- 5.4. The business of Council shall, as a general rule, be taken up in the order in which it appears on the Agenda, unless otherwise decided by Council.
- 5.5. As soon as Agenda information is distributed by the Clerk to Members, the information will be made available to the public except for information relating to matters to be considered in closed session. The agendas and supporting material will be posted on the County's website no later than the Monday at 1:00 p.m. of a council meeting week.
- 5.6. Any member of Council, at any time up to 12:00 noon on the Wednesday in the week prior to the regular council meeting, may file in writing with the Clerk an item for inclusion in the agenda if it is relevant to item already on the Agenda. Items brought forward by a Member of Council that are not germane to the matters to be presented to Council, must be put forward as a notice of motion at a meeting of Council.
- 5.7. Any communication within the jurisdiction of a Committee shall first be referred by the Clerk to the appropriate Committee unless the communication relates to a subject or report scheduled to be considered by Council or is time sensitive.
- 5.8. All or several items on the agenda for Council or Committee meetings containing recommendations may be adopted in a single motion. Any specific items of business will be provided individual deliberation and debate upon the request of any Member.

## **6. QUORUM**

- 6.1. A quorum of Council is a majority of Members of Council representing at least five area municipalities in accordance with the County of Dufferin Act, 1994.
- 6.2. A quorum of a committee shall be a majority of the members.
- 6.3. If a quorum is not present at a scheduled meeting of Council or Committee 15 minutes after the scheduled commencement time, the meeting may stand adjourned until the date of the next regular meeting and the Clerk shall record the names of the Members present. If the Members who are present at the time remain until a quorum is present, then the meeting shall proceed.
- 6.4. Where the number of Members, who by reason of the provisions of the Municipal Conflict of Interest Act, are prohibited from participating in a meeting is such that, at that meeting, the remaining Members are not of sufficient number to constitute a quorum, then the remaining number of Members shall be deemed to constitute a quorum, provided this number is not fewer than two (2).

## **7. DUTIES OF THE WARDEN**

- 7.1. As soon as there is a quorum after the time set for the meeting, the Warden shall take the chair and call the Members to order.
- 7.2. The Warden shall preserve order and decorum and shall decide questions of order, subject to an appeal to the Council, and when called upon to decide a point of order or practice shall state the rule or authority applicable to the case without argument or comment.
- 7.3. As Chief Executive Officer of a municipality, the head of council shall conduct themselves as prescribed in the Municipal Act.
- 7.4. The Warden, after three warnings, shall call by name any Member persisting in breach of the rules of procedure and, subject to a majority vote of Members present, order him or her to vacate his or her seat and leave the meeting.
- 7.5. If a Member disagrees with the ruling of the Warden with respect to an order to vacate, he or she may (with a seconder) appeal the ruling of the Warden in accordance with Section 14.
- 7.6. The Acting Warden shall be the Chair of the General Government Services Committee.

## **8. DUTIES OF MEMBERS**

- 8.1. Members shall conduct themselves according to the Code of Conduct Policy for Members of Council.
- 8.2. All Members at a meeting shall:
- a) not speak disrespectfully of any member of the Royal Family, the Governor General, the Lieutenant Governor of any Province, the Council, any member municipality, any Member or any official or employee of the County;
  - b) refrain from use of offensive words or unparliamentary language;
  - c) not engage in private conversation while in the Council meeting or use electronic devices (including cellular phones) in a manner which interrupts the proceedings of the Council;
  - d) not leave his or her seat or make any noise or disturbance while a vote is being taken and until the result of the vote is announced;
  - e) only speak on the subject under debate;
  - f) where a matter has been discussed in a closed session, and where the matter remains confidential, not disclose the content of the matter or the substance of deliberations of the closed meeting;
  - g) not criticize any decision of the Council except for the purpose of moving that the question be reconsidered; or
  - h) obey the rules of the Council or a decision of the Chair or of the Council on questions of order or practice or upon the interpretation of the rules of the Council. In case a Member persists in any such disobedience, after having been called to order by the Chair, the Chair shall not recognize that Member, except for the purpose of receiving an apology from the Member tendered at that meeting or any subsequent meeting.

## **9. ABSENCE /TEMPORARY VACANCIES**

- 9.1. When the Warden is absent from the County or is absent through illness or otherwise, or when the Warden is absent from the office in the course of his or her duties, or on vacation or an approved leave, the Acting Warden has and may exercise all the rights, powers and authority of the Warden.
- 9.2. If the Warden does not attend a meeting of Council within 15 minutes after the time appointed, the Acting Warden shall call the members to order, and if a quorum is present, shall preside during the meeting or until the arrival of the Warden. If the Acting Warden is not present, those Members in attendance shall appoint one of the Members to act in the place and stead of the Warden for that

meeting. Such Member shall then call the Members to order and shall preside until the arrival of the Warden or Acting Warden.

- 9.3. In the event of the Chair of a Committee not attending the Committee at which he/she is to preside within fifteen (15) minutes after the time appointed for the commencement of the meeting, then, the Warden if present will call the meeting to order. If the Warden is not present, those Members in attendance shall appoint one of the Members to act in the place and stead of the Committee Chair for that meeting. Such Member shall then call the Members to order and shall preside until the arrival of the Committee Chair.
- 9.4. The Warden shall formally advise Council of any intention to be absent from the office for a period longer than two consecutive weeks.
- 9.5. If any member is absent for period exceeding one month, the local council may appoint, by Council resolution, one of its members as an alternate member to County Council to act in place of the member until the member is able to return.
  - 9.5.1. If the member absent is the Warden or a Chair of a Committee, and the local council has appointed an alternate member, the alternate member will not assume the Warden or Chair position and Council will appoint a temporary Chair until the member is able to return.
- 9.6. Any member who knows ahead of time that they will be absent from a committee or Council meeting, shall notify the Clerk. A notation will be made on the minutes "prior notice" next to the Member's name.
- 9.7. In the case of the death of the Warden or a vacancy in the Warden's office under circumstances which by law render the Warden's seat on the Council vacant, the members shall without delay at their first meeting thereafter proceed in the manner in accordance with Section 3 elect a successor for the remainder of the term.

## **10. DISCLOSURES OF PECUNIARY INTEREST**

- 10.1. Where a Member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a meeting at which the matter is the subject of consideration, the Member shall, in accordance with *the Municipal Conflict of Interest Act*:
  - a) prior to any consideration of the matter at the meeting, disclose the Member's interest verbally and the general nature thereof; and
  - b) not take part in the discussion of, or vote on any question in respect of the matter;
  - c) not attempt in any way whether before, during or after the meeting to influence the voting on the matter.



- 10.2. Where a member declares an interest, the Member shall forthwith leave the meeting, whether the meeting is in open or closed session, while the matter is under consideration.
- 10.3. Where the interest of a Member has not been disclosed by reason of the Member's absence from a particular meeting, the Member shall disclose the Member's interest and otherwise comply at the first meeting of the Council or Committee, as the case may be, attended by the Member after the particular meeting.
- 10.4. The Clerk shall record in reasonable detail the particulars of any disclosure of pecuniary interest made by a Member and this record shall appear in the Minutes or Report of that meeting.

## **11. ACCOUNTABILITY & TRANSPARENCY**

- 11.1. All meetings shall be open to the public except as provided for in this section and no person shall be excluded from a meeting open to the public except for improper conduct or for breach of this by-law.
- 11.2. A meeting may be conducted in closed session if the subject matter being considered relates to:
  - a) the security of County property;
  - b) personal matters about an identifiable individual, including a County employee;
  - c) a proposed or pending acquisition or disposition of land for County purposes;
  - d) labour relations or employee negotiations
  - e) litigation or potential litigation including matters before administrative tribunals, affecting the County;
  - f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
  - g) a matter in respect of which Council has authorized a meeting to be in private session under specific legislation.
  - (h) A meeting shall be closed to the public if the subject matter relates to the consideration of a request under the *Municipal Freedom of Information and Protection of Privacy Act* if the Council, board, commission or other body is the head of an institution for the purposes of that Act.
  - (i) A meeting of a council or local board or a committee of either of them may be closed to the public if the following conditions are satisfied:

1. The meeting is held for the purpose of educating or training the members.
  2. At the meeting, no member discusses or otherwise deal with a matter in a way that materially advances the business or decision-making of the council, local board or committee.
- 11.3. Prior to Council resolving into Closed Session for one of the reasons noted in Section 11.2, Council shall state by resolution
- a) the fact of holding the closed session; and
  - b) the general nature of the matter to be considered.
- 11.4. A meeting shall not be closed to the public during the taking of a vote.
- 11.5. Despite section 11.4, a meeting may be closed to the public during a vote if:
- a) the *Municipal Act*, Section 239 (2) or (3) permits or requires a meeting to be closed to the public; and
  - b) the vote is for a procedural matter or for giving directions or instructions to Officers, employees or agents of the municipality, local board or committee of either of them or persons retained by or under a contract with the municipality of local board.
- 11.6. A person may request that an investigation of whether a municipality or local board has complied with Section 239 of the *Municipal Act* or a procedural by-law under subsection 238(2) in respect of a meeting that was closed to the public. The investigation is undertaken by the investigator referred to in subsection 239.2.

## **12. DEPUTATIONS AND MEMBERS OF THE PUBLIC**

- 12.1. Deputants shall be directed by the Clerk to the appropriate Committee except where the deputant wishes to address Council with respect to a matter which will be before Council or where the Chair, Chief Administrative Officer or the Clerk determines that the matter is of such an urgent nature that there is insufficient time to direct the deputant to a Committee.
- 12.2. Requests for deputations will be submitted to the Clerk in writing providing an outline of the nature of the deputation no later than 12:00 noon on the Wednesday in the week prior to the regular council or committee meeting. All deputants at Council, not listed on the agenda, shall only be heard upon the consent of Council.
- 12.3. All deputants shall address the Chair and shall state their name and whom they represent.

- 12.4. Deputants shall be limited to ten minutes for speaking at Council and at Committee or such other time period approved by Council or Committee at the meeting. If there is a group of people wishing to address Council or Committee with respect to a particular position on a particular issue, then Council or Committee may determine that the group shall be represented by one person or that the time limit shall be other than as stated above.
- 12.5. Despite the foregoing, a person on his or her own behalf, may ask questions of council during the public question period. The Public Question Period will be limited to fifteen minutes, or at the discretion of the Warden, and no one person shall address Council for more than three minutes.
- 12.6. Deputants shall;
  - a) speak respectfully of any person;
  - b) use respectful language;
  - c) speak only on the subject for which he or she has received approval to address Council or Committee;
  - d) obey the rules of procedure or a decision of the Chair or Council.
- 12.7. The Chair may shorten the time of any deputation, any questions of a deputant or debate during a deputation for disorder or any other breach of this by-law.
- 12.8. No person, except Members and authorized staff shall be allowed to come within the area of Council during a Council Meeting without permission of the Chair or Council.
- 12.9. Members of the public who constitute the audience at a meeting shall not disrupt the meeting and refrain from any activity or behaviour that would affect the Council or Committee deliberations.
- 12.10. The Chair may cause to be expelled and excluded any member of the public, who creates any disturbance or acts improperly, during a meeting of Council or Committee. If necessary, the Chair may call upon the Clerk to seek the appropriate assistance from security or police officers.

### **13. RULES OF DEBATE**

- 13.1. The form of address for Members of Council shall be "Councillor".
- 13.2. To address Council, a Member shall raise their hand requesting to speak, be recognized by the Chair, stand and direct all comments through the Chair.
- 13.3. When two or more Members indicate their desire to speak at the same time, the Chair shall designate the order of speakers.

- 13.4. When a Member is speaking, no other Member shall interrupt the Member speaking except to raise a point of order, privilege or personal privilege.
- 13.5. Any Member may require a motion or question under discussion to be read at any time during the debate but not so as to interrupt the Member speaking.
- 13.6. No Member shall speak for longer than five (5) minutes on a question without Council's permission.
- 13.7. No Member shall speak more than twice to the same question provided that no member shall speak more than once until each Member who has indicated a desire to speak on the issue and has not been heard, has spoken on the question, except that a reply shall be permitted only from a Member who has presented the main motion.
- 13.8. A Member may ask a question only for the purpose of obtaining information relating to the matter under discussion and the question shall be stated succinctly and asked only of the Chair, the previous speaker, the Chief Administrative Officer or Department Heads and their designates.
- 13.9. When a Member rises on a point of order, point of privilege or point of personal privilege, the Member shall ask leave of the Chair to raise the point. After leave is granted, the member shall state the point to the Chair and then remain silent until the Chair has ruled upon the point.
- 13.10. The Chair shall rule on the point.
- 13.11. The Chair's ruling is final unless it is challenged.
- 13.12. Any Member may challenge the ruling of the Chair immediately following the ruling.
- 13.13. Council's decision is final if the Chair is challenged.

#### **14. APPEAL/CHALLENGING A RULING OF THE CHAIR**

- 14.1. The following procedures apply when making an appeal:
  - a) A member addresses the Chair directly, using a form of words such as: "I wish to appeal for . . . .";
  - b) An appeal does not require a seconder under an order to vacate;
  - c) When an appeal is made, the current business before the meeting is immediately suspended, while the Chair considers the matter
  - d) The appeal is not open to debate, but the Chair shall ask for a brief explanation from the member making the appeal before making a ruling, and
  - e) If the Chair grants the appeal the requested action is taken and the agenda is then resumed at the point at which it was interrupted.

- 14.2. Any Member may challenge the ruling of the Chair immediately following the ruling. In the event a Member challenges the ruling, Council shall vote on the ruling immediately without debate. Council's Majority vote is final if the Chair is challenged.

## **15. MOTIONS AND NOTICES OF MOTIONS**

- 15.1. All or several items on the agenda for Council or Committee meetings containing recommendations may be adopted in a single motion. Any specific items of business will be provided individual deliberation and debate upon the request of any Member.
- 15.2. A Motion or Notice of Motion in respect of a matter which is not within the jurisdiction of the Council, shall not be in order and shall not be considered by the Council.
- 15.3. A Member may introduce any item to the Council for its consideration if:
- a) the item relates to a matter on the Agenda for that meeting; or
  - b) the matter is of an urgent nature and leave is granted on a majority.
- 15.4. A motion shall be moved and seconded before the Chair shall put the question and the motion is recorded in the minutes of the meeting.
- 15.5. A Member may move a motion in order to initiate discussion and debate and that Member may vote in opposition to the motion. A seconder of a motion may vote against the motion.
- 15.6. After a motion is moved at the Council meeting or placed on the Council Agenda as a Notice of Motion, it shall be deemed to be in the possession of Council and may not be withdrawn without the consent of the mover and seconder and a majority vote.
- 15.7. A Notice of Motion shall be in writing, include the name of the mover and be presented at a Council meeting for consideration at a subsequent Council meeting.
- 15.8. Any Notice of Motion shall take the form of a motion and be automatically placed on the agenda of the next regularly scheduled Council meeting.
- 15.9. All Notices of Motions on the Agenda and not disposed of shall be placed on the Agenda for the next regular meeting of the Council.
- 15.10. When a Notice of Motion has been on the Agenda for two consecutive meetings after notice has been given, and not proceeded with, it shall be dropped from the Agenda and deemed withdrawn unless the Council decides otherwise.

## **16. SPECIFIC MOTIONS**

- 16.1. A motion to recess is not debatable or amendable, shall specify the length of the recess, and is only amendable with respect to the length of the recess.
- 16.2. Motion to Adjourn:
  - 16.2.1. A motion to adjourn the Council meeting is not debatable or amendable and shall always be in order except:
    - a) when another Member is in possession of the floor;
    - b) when a vote has been called;
    - c) when the Members are voting; or
    - d) when a Member has indicated to the Chair his or her desire to speak on the matter before Council.
  - 16.2.2. A motion to adjourn shall take precedence over any other motion and shall be put immediately without debate.
- 16.3. Motion to Call the Question:
  - 16.3.1. A motion to call the question is not debatable.
  - 16.3.2. A Member who moved a motion to call the question shall not be allowed to speak to the question again if the motion is decided in the negative.
  - 16.3.3. A motion to call the question shall be put immediately without debate.
- 16.4. Motion to Table:
  - 16.4.1. A motion to table is not amendable or debatable and shall apply to the motion and any amendments under debate when the motion to table is made.
  - 16.4.2. If the motion to table carries, in the absence of any direction from Council, the matter may not be discussed until a Member through a Notice of Motion, brings it forward to a subsequent meeting.
- 16.5. A motion to refer and any amendment to it is debatable and shall include:
  - a) the name of the Committee or official to whom the motion or amendment is to be referred;
  - b) the terms upon which it is to be referred and the time or period, if any.
- 16.6. A motion to defer and any amendment to it is debatable and shall include:
  - a) the time to or period within which, consideration of the matter is to be deferred; and
  - b) whatever explanation is necessary to demonstrate the purpose of the motion to defer.

- 16.7. A motion that Council consider a matter previously deferred indefinitely or to a time or eventuality which has not yet been reached or occurred, is debatable and shall be presented only if the Council so decides.
- 16.8. A motion to Amend:
  - 16.8.1. A motion to amend is debatable.
  - 16.8.2. Only one motion to amend a main motion shall be on the floor at any one time.
- 16.9. A motion to receive is amendable and debatable.
- 16.10. An amendment shall be out of order if it is ruled by the Chair to be a substantive motion and not an amendment.
- 16.11. An amendment which, in effect, is nothing more than a rejection of the main motion is not in order.
- 16.12. A motion to reconsider shall not be made during the same meeting of Council at which the original determination was taken. If a decision has not been substantially acted upon, a member who voted on the prevailing side may at any time within six months of the original decision, introduce a motion to reconsider a previous decision.
- 16.13. A motion to reconsider may not be introduced without notice, unless the Council, without debate, dispenses with notice on a two-thirds majority vote. Notice in this case means that a member must give notice on a Council Agenda.
- 16.14. A motion to reconsider is debatable and not amendable.
- 16.15. No discussion of the main question shall be allowed until the motion for reconsideration is carried.
- 16.16. No motion to reconsider may, itself, be the subject of a motion to reconsider.

## 17. VOTING

- 17.1. Motions relating to an item under consideration shall be voted on in the following order:
- a) a motion to waive or suspend the rules of procedure;
  - b) a motion to recess;
  - c) a motion to adjourn;
  - d) a motion to call the question
  - e) a motion to receive an item;
  - f) a motion to table an item;
  - g) a motion to refer;
  - h) a motion to defer;
  - i) a motion to amend the amendment;
  - j) a motion to amend, in reverse order of its being placed; and
  - k) the main motion
- 17.2. Every member present at a meeting where a question is put shall vote on the question, unless prohibited by statute or by-law in which case the Clerk shall so record.
- 17.3. A Member shall vote by raising a hand, except where a recorded vote is requested.
- 17.4. If a Member doubts the results of a vote by a show of hands as announced by the Warden or Chair, the Member may immediately call for the vote to be taken again and the Warden or Chair may request that the Members shall vote again.
- 17.5. If any Member present does not vote at a meeting of the Council where a question is put and a recorded vote taken, he or she shall be deemed to vote in the negative except where the Member is prohibited from voting by statute.
- 17.6. When the Warden or Chair calls for the vote on a question,
- a) each Member shall occupy his or her seat and shall remain in place until the result of the vote has been declared by the Chair, and
  - b) during this time no Member shall walk across the room or make any other motion or speak to the question or any other Member or make any noise or disturbance.
- 17.7. Upon the request of any Member, and when the Warden or Chair is satisfied that a matter under consideration contains distinct proposals, the vote upon each proposal shall be taken separately.
- 17.8. All decisions of Council shall require a majority vote except as otherwise set out in this By-law.



- 17.9. Any motion that results in a tie vote shall be deemed to have been lost.
- 17.10. A request by a Member for a recorded vote shall be made prior to the commencement of the vote being taken or immediately thereafter.
- 17.11. In the case of a recorded vote, the Clerk shall call and Members shall announce their vote in alphabetical order of their surnames, beginning with the Member who requested the recorded vote.
- 17.12. The Clerk shall announce the result of the vote.

## **18. BY-LAWS**

- 18.1. The adoption of every by-law presented to Council, with the exception of the Confirmatory By-law, may be the subject of one motion.
- 18.2. By request of any Member, any by-law(s) may be discussed or voted on individually.
- 18.3. No by-law, except a by-law to confirm the proceedings of Council, shall be presented to Council unless its subject matter has been approved by Council or Committee of Council. A by-law may be placed on the same Council Agenda as the staff report if it is time sensitive.
- 18.4. The proceedings at every meeting of Council shall be confirmed by by-law so that every decision of Council at that meeting of Council and every resolution thereof shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted.
- 18.5. All amendments to any by-laws approved by Council shall be deemed to be incorporated into the by-law and if the by-law is enacted by Council, the amendments shall be inserted by the Clerk.
- 18.6. Every by-law enacted by Council shall be signed by the Warden and Clerk. The corporate seal shall be affixed to the by-law and the by-law shall be numbered, dated and filed in the Office of the Clerk.

## **19. MINUTES OF COUNCIL & COMMITTEES**

- 19.1. The Clerk shall record council minutes without note or comment which includes all resolutions, decisions and other proceedings at a meeting of the body whether it is closed to the public or not.

In the case of a local board or committee, the appropriate officer shall record the minutes without note or comment.

- 19.2. The Minutes of each Council meeting and each Committee meeting shall be presented to Council for approval at the next regular meeting but will be made available in draft to the public as soon as possible after the meeting and prior to adoption by Council.
- 19.3. After the Council Minutes have been approved by Council, they shall be signed by the Warden and Clerk.
- 19.4. After the Committee Minutes have been approved by Council, they shall be signed by the appropriate Committee Chair.

## **20. COMMITTEES PROCEDURES**

- 20.1. Council shall, determine the appropriate number of Committees, their membership, terms of reference and reporting practices.
- 20.2. The rules governing the procedure of the Council and the conduct of Members at the Council shall be observed in all Committees so far as they are applicable and in accordance with the terms of reference for each committee as provided by by-law and provided that:
  - a) no recorded vote shall be taken; and
  - b) each member shall be accorded one vote.
- 20.3. The Warden shall be a member as-of-right of each Committee and shall be counted for quorum purposes and entitled to vote at such meetings.
- 20.4. The Warden shall not be eligible to be the Chair of a Standing Committee.
- 20.5. Each Standing Committee Chair shall hold office for one year and thereafter until the new Chair is elected, unless in the meantime they cease to be a member of Council.
- 20.6. Members who are not Members of a specific committee may attend meetings of that committee and may, with consent of the Chair of that Committee, take part in the discussion, but shall not be counted in the quorum or entitled to make motions or to vote but their attendance shall be noted in the minutes at these meetings.
- 20.7. The Chair of a Committee may cancel or reschedule a meeting in consultation with the Warden, Chief Administrative Officer and Clerk.
- 20.8. A Committee Chair after consultation with the Warden may, at any time, summon a Special Meeting of his or her Committee by providing written direction to the Clerk to issue a Notice of Special Meeting.

- 20.9. Upon the receipt of a petition of the majority of the Members of a Committee, the Clerk shall summon a Special Committee Meeting for the purpose and at the time noted in the petition.
- 20.10. All Members shall receive all Notices and corresponding agendas for all Committees.
- 20.11. Any matter, which is within the Committee's terms of reference and which is not on the Committee Agenda or does not relate to a matter on the Agenda, may be considered by the Committee if it agrees to consider it by a majority vote.
- 20.12. A quorum of a Committee of the Council shall be a majority of the Members of the Committee unless otherwise stipulated in the Terms of Reference of the Committee.
- 20.13. The Chair or Presiding Officer at a Committee has the right to expel or exclude any person from any meeting for improper conduct.
- 20.14. All items considered by a Committee shall be forwarded to the Council in the form of Committee Minutes.
- 20.15. Any recommendation to establish an ad hoc, special committee or sub-committee shall include its terms of reference outlining:
  - a) its membership;
  - b) quorum requirements
  - c) the matters to be dealt with; and
  - d) when the matters will be reported on
- 20.16. There is one vote per member in committee.

## **21. NOTICE PROVISION**

- 21.1. The form and notice and times when notice will be provided to the public regarding specific by-laws and the holding of certain meetings is outlined in the "Provisions of Notice and Manner of Giving Notice" Policy.

## **22. SUSPENSION OF BY-LAW PROVISIONS**

- 22.1. A motion to suspend or not to follow a rule of procedure established by this By-law, shall not be passed without a two-thirds majority vote.

### **23. AMENDMENTS TO BY-LAW**

- 23.1. No amendment or repeal of this By-law shall be considered at any meeting of the Council unless notice of the proposed amendment or repeal was given at a previous meeting of the Council. Council may not waive this notice requirement.

### **24. CONFLICT**

- 24.1. If there is any conflict between this By-law and any statute, the provisions of the statute prevail.

### **25. REPEAL AND ENACTMENT**

- 25.1. By-law number 2008-15, as amended, is hereby repealed.
- 25.2. This by-law shall come into full force and effect on the date of its enactment.

READ a first, second and third time and finally passed this 9th day of July, 2015.

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Warren Maycock, Warden

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Pam Hillock, Clerk